

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAMILOLA ADEKUNLE and  
FAYAH TOLNO,

Plaintiffs,

v.

THE GEO GROUP, INC., et al.,

Defendants.

C21-135 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) This action was removed from King County Superior Court by the United States of America pursuant to 28 U.S.C. § 1442. See Notice of Removal (docket no. 1). In connection with the removal, Assistant United States Attorney Matt Waldrop certified pursuant to 28 U.S.C. § 2679(d)(1) that the actions upon which plaintiffs' claims against defendant Sheri W. Malakhova, M.D. are premised were performed within the scope of her federal employment as the director of the medical clinic at the Northwest Detention Center, now known as the Northwest Immigration and Customs Enforcement Processing Center ("NWIPC"). See Certification (docket no. 2-1). The United States of America is hereby SUBSTITUTED for Dr. Malakhova as a defendant in this matter.

(2) Pursuant to the stipulation, docket no. 6, between plaintiffs and the United States, plaintiffs' claims against the United States are DISMISSED without prejudice and without costs. See Fed. R. Civ. P. 41(a)(2).

1 (3) Within fourteen (14) days of the date of this Minute Order, the remaining  
2 parties, namely plaintiffs and defendant GEO, shall show cause why this case should not  
3 be remanded to the King County Superior Court for lack of subject matter jurisdiction.  
4 The Complaint, docket no. 1-1, which pleads solely state law claims, indicates that  
5 plaintiffs reside in Texas and that GEO operates the NWIPC, but it does not recite where  
6 GEO is incorporated or has its principal place of business. Absent a timely showing of  
7 diversity among the parties, this matter will be remanded to state court.

8 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of  
9 record.

10 Dated this 8th day of February, 2021.

11 William M. McCool  
12 Clerk

13 s/Gail Glass  
14 Deputy Clerk